

Notice of Allowability

Application No.

09/851,473

Examiner

Anh-Vu H. Ly

Applicant(s)

SMITH ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment dated February 27, 2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kyle Eppele on April 03, 2006.

The application has been amended as follows:

In The Claims

1. (Currently Amended) A STANAG 5066 communication system, comprising:
a first unit; and
a second unit, wherein the first unit provides ~~an LQA~~ a Link Quality Analysis (LQA) command to the second unit during initial linking, wherein the second unit records a first LQA value in response to the LQA command and transmits the first LQA value to the first unit, wherein the first unit records a second LQA value in response to the first LQA value and transmits the second LQA value to the second unit, wherein the first unit and the second unit communicate data at a data rate selected in response to the first LQA value and the second LQA value.
7. (Currently Amended) A wireless communication unit operating according to a STANAG 5066 specification, the communication unit comprising:

Art Unit: 2616

a receiver;

a transmitter; and

an initialization circuit, wherein the initialization circuit determines a data rate for at least one of the receiver and the transmitter, the initialization circuit selecting the data rate in response to a first Link Quality Analysis (LQA) LQA value received by the receiver, the first LQA value being received during link initialization; and wherein, the first LQA value received by the receiver from another communication unit in response to a LQA command comprising a LQA value sent to said another communication unit during link initialization.

13. (Currently Amended) A method of setting a data rate for a STANAG 5066 communication link, the method comprising:

receiving a Link Quality Analysis (LQA) quality command signal during initialization;

recording a first LQA quality command value in response to the LQA quality command signal during link initialization;

transmitting a LQA quality command value signal related to the first LQA quality command value;

receiving an acknowledgment of the first LQA quality command value signal and a second LQA command value; and

setting the data rate in response to the acknowledgment, and the first LQA quality command value and the second LQA command value.

Allowable Subject Matter

2. Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest negotiating and selecting an initial data rate by exchanging Link Quality Analysis (LQA) commands comprising LQA values between the units in a STANAG 5066 communication system, as specified in independent claims 1, 7 and 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHI PHAM
SUPERVISORY PATENT EXAMINER
4/5/06